

Human rights in the new world order: a legal study

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Abstract

Human rights have become a global issue, as the interest in human rights is not limited to a particular city or country. Rather, it has spread to all countries of the world regardless of temporal and spatial boundaries. The issue of human rights appeared in societies in the ancient times since the beginning of humanity as human rights were decided by divine laws and stipulated in national constitutions and confirmed in international treaties and charters. However, great importance has emerged for them in the international field at present. Therefore, conferences were held to discuss human rights issues as they came out of their internal legal scope and acquired a global and comprehensive character. Basic human rights have been adapted as a result of the development of human societies and states have established many relationships among themselves. State relations in ancient times used to be characterized by the nature of hostility and wars throughout history. A clear evidence of this had been the twentieth century as three world wars broke out. Two of these wars were devastating, and one was cold because of which the Eastern bloc collapsed and the world entered the new international order as the protection of human rights has become of global importance and falls on all members of the international community. Human rights must be surrounded by the adequate protection to fortify it against the domination of those at the helm of power all around the world. Otherwise, it will lose its credibility and feasibility as one of the reasons for preserving human dignity.

Defining human rights and the concept of the new international order
Defining human rights:

Human rights originated with the human being where he/she acquires basic moral rights because he/she is a human being. These rights that humans possess are comprehensive as they belong to the human race. These rights aim to protect him/her from violence and tyranny and to guarantee his/her right to life within the framework of the public interest. Therefore, the necessity of defending the oppressed is to achieve all the guarantees that protect them from the damage they inflict. Those rights are based on freedom, equality and justice. By nature, the human being is weak and lenient, and for this reason, he/she is in constant need of protection because of the differences that may arise between each other, or the exploitation of the rights of others and other Issues [1].

In order to combat the injustice that human beings are subjected to, the primary goal of states has become to protect these rights from the exploitation of rulers and authority and the imposition of opinion. Humans are equal, and are not differentiated by gender, language or creed. Hence, these rights are, at the end of the analysis, necessary for the human beings and their absence robs humans of their humanity. It distinguishes them from the rest of creatures and makes them the possessor of all the laws guaranteeing their rights. The documents of the United Nations, especially the Universal Declaration of Human Rights issued in 1948 stipulate that human rights are rights inherent in human nature, without which humans cannot live normally ([2]. Likewise, humans living in their society is not equal without rights that guarantee them security, tranquillity and freedom. These are the limits on which humans' behaviour in society and their energy in production, work, thinking and creativity are based. The concept of human rights is not a fixed issue, but rather a dynamic concept as it develops with the ages. It is controlled by the requirements of each era, as it may differ from one era to another, from a continent to another, and even from a country to another.

Hence, the concept of human rights is subject to a noticeable expansion at the present time. This is because it is no longer related to the political dimension only but also includes economic, social, educational and cultural dimensions, reflecting the developments that the world has experienced during the last decades. At that time, human rights became multidimensional as they are based on political and civil rights in particular that is, on ensuring security and tranquillity for the human being. Also, freedom is necessary for the human being without which he/she cannot carry out his/her functions, which are thinking, working, and consequently the production and creativity on which human development and progress are based [3].

Human rights are not only political but are associated with civil rights, as these rights pertain to the human being as a citizen and are closely linked to the citizen, with his/her rights. The human being, as a citizen, becomes able to think about the affairs of society and contribute to the management of the country in which he/she resides and determines its fate in the way dictated by his/her mind and his/her conscience within the framework of a democratic system that guarantees him/her the exercise of his/her rights such as elections and candidacy. In doing so, it enables him/her to contribute to building the present and future of his/her country through laws that guarantee the rights of citizens, protect them from the excesses of the ruler and lead to the possession of a society based on freedom, justice and equality before the law, i.e. the absence of discrimination between the population [4].

However, citizens cannot exist without enjoying political and civil rights, as they must possess economic, social and cultural rights. With the development of the working class and the high level of social cooperation in the capitalist countries, the impact of the industrial revolution expanded the concept of democracy to include, in addition to the political dimension, an economic and social dimension. It is based on the demand for guarantees to protect the weak groups from the excesses of the upper classes that control the economy. This is because the dignity of the worker requires obtaining his/her right to work, strike in professional unions that defend his/her material and moral rights with the aim of securing social security and providing a decent life [5].

Human rights also include the right to education for all citizens without any discrimination. This is so that every individual in society can benefit from cultural production in order to open up his/her horizons and perform his/her role as a citizen in the best way. This contributes more effectively to the development of his/her country and all humanity, besides these rights that belong to every human being as a citizen that contributes to determining the fate of his/her society. There are collective rights based

mainly on the right of peoples to self-determination and to determine the methods that help in their development and progress.

1.2 The concept of the new international order

1.2.1 Defining the concept of system language

The system is defined as releasing the embedded to each other, taking into account the interdependence in which there is no contradiction and disturbance that is not involved in a defect, given its word is the set of procedures or the consistency through which things are managed and conducted in a proper manner [6]. It is also defined as a set of interrelated and consistent organs and rules that show the system of government, the means of attribution of power, its objectives, nature, the status of the individual, its guarantees before it. It also identify the determinants of the different power that control the group and how it interacts with each other, and the role played by each individual [7].

1.2.2 The concept of the system as a term

The concept of order is one of the basic concepts in the science of international relations to discover patterns of interaction in international politics. So, the term system is one of the most common terms in political literature and its roots extend back to as early as its beginning, according to what some writers [8].

The social contract theory also holds that individuals have a desire to move away from a state of chaos and disorder to a state of security and stability, so they will give up some or all of their interests in favour of a ruler who is able to secure this end. Despite this temporal reference, we can note the absence of agreement between those concerned about defining a clear concept of the system. The reason behind this difference is that the system can be a concept that is not limited by matter, which was subject to researchers' judgments and self-perceptions, which in turn was reflected in their intellectual trends. So, the scientist Anatol Rapoport relies on the principle that determines the relationship between certain parts as a basis for determining what the system is [9].

Although many of the definitions given to define the concept of the system were related in terms of their understanding of it to the organic theory, we tend to discuss the term system as a group of elements and political units that interact with each other in a continuous manner. In this sense, Morton Kaplan defines the system as it is a set of interrelated models and rules that govern the work of relations between states and determine the manifestations and sources of regularity in them during a known period of time.

Holsti defined the system as "a grouping of independent political units states, cities, nations, empires, and the interaction between them is large and continuous and the application of operations is organized" while another sees that the system is a complex "network" of interdependence relationships between parts of a phenomenon and its components. This is in addition to the processes that arise from the continuity and regularity of this relationship and the relationships of mutual influence between these entities and the environment around it [10]. Most political scientists knew that the international system emerged as a concept that expresses interaction relations between international units after the Treaty of Westphalia in 1648 [11].

From the above, It is clear that the international system represents a pattern of clear and continuity interactions or relationships, which include the structure or foundation of the system. In practice, the system describes a behavioural model or behavioural patterns of interaction between a group of units, entities or subjects with each other. In other words, it can be said that this is the aim of the international system. This is the framework in which

entity units are organized, the existence of which results in a succession of actions and reactions with negative or positive consequences for some on the one hand and on the system in which they are organized on the other [12].

2.2 System components

The system consists of four axes. These run as follows:

1) System Units

The system is based on a set of basic conditions, or on elements that must be met, as it includes forces and actors called units of the system. These units are what give the system its development and change through the interaction between them, and the units of the system include countries or international organizations. This is because political activity is not limited to the nation-State, but parts of it are also linked to international organizations operating in multi-purpose functional disciplines with wide-ranging contents. It is also due to its being one of the tools for controlling and adapting tensions and disturbances of interest to the international system and contributing to the promotion of cooperative policies and activities.

2) The structure

It means the form that the system takes through the arrangement of the units of which it is consisted. This form determines the amount and size of the force. Force is an embodiment of the set of material and moral capabilities that a country possesses and through which it can influence the behaviour of other international units. It is often used in terms of the ability to accomplish an influential action and exert influence and control within the interaction processes.

3) Interaction

The international system is not an empty structure but includes many units that are involved in a process of interaction between them. The international system with its active units requires a series of actions and reactions called interaction. The interaction process is based on what Easton called the relationship between inputs and outputs, as those interactions resulting from a pattern of relationships may take forms of moral, customary or contractual obligation at times. In other times, they may involve spontaneous, non-binding interactions between units inspired by the security of common interests. The limit between the two types of relationships is the quality of control or influence exerted by the parties or the doers in the course of interactions and relations under the international system. The interaction is not only cooperative but may also take the form of conflict or may combine the two [13]. Also, the constituent units of a system with a dynamic character for the resulting interactions between them, whether positive or negative, or both, must take place in a clear framework or in a certain medium that includes all these units and their interactions. It is possible to imagine the existence of active units and patterns of different interactions without an environment or framework that contains them, as the nature of the international reality consists of interacting political units. This interaction does not arise in a vacuum, but rather in a broader framework that includes all units and defines their activities and interactions that are multi-dimensional and diverse in contents [14].

4) Environment

From this axis, it is clear that the environment is the fourth component in the international system, as it is the medium within the borders of which the units of the international system move. This includes the patterns of interactions that exist between them, whether in a cooperative or combative form, or both.

From the axes discussed above, we can say that the concept of the system in its international dimensions and contents goes to identifying those relationships that can be monitored between political units where these relationships are one of its most important key elements. It can also be said that these units are all essential elements that help to understand the international system, without which it is difficult to talk about or identify it. This is in addition to the specific form they take in the light of their capabilities and the process of interaction between them and the medium in which they move. All of them are basic components that help to realize the international system, and without them it becomes difficult to discuss it or recognise it [15].

2. The concept of the new international order

2.1 Overview of the concept

The concept of the national system concludes that it is “a set of relations, interactions, and political roles through which the process of authoritarian appropriation of values takes place within a society that is characterized by functions of integration by using or threatening to use legitimate physical coercion”. This definition had many additions and oppositions from neo-constructivists and functionalists. In 1972, Morton Kaplan extracted the idea of the international system from the systematic school where the international system, as we see it throughout the ages, “is represented in a set of interrelated rules and models that govern the work of relations between states and determine the manifestations and sources of regularity and imbalance in them over a certain period of time.” [16].

The idea of the international system aims to reach the laws and repeated behavioural models in the work of the external environment of the local system or the so-called international system. This is so that it can show the manifestations and sources of imbalance and regularity in them, and then to reach special generalities that include a law-like stipulation regarding the development of working methods between the units of international relations (States, identity groups, major conglomerates, multinational corporations...etc.) in today’s world. As for what is meant by the word “new”, it means the distinction between two phases. One is the existence of the bipolar cold war regime with its activities, interactions and mechanisms of action across the world while the other is the post-cold war regime following the second Gulf War and the fall of communism and the rule of the principle of balance of interests and proper match in the conflict and concepts of legitimacy, human rights and protection of the environment and others. What is meant by “new” here is the existence of a set of values and behaviours that did not exist in the past, which constitutes a revolution in the form and content of the international balance that prevailed in the world before the advent of the nineties. However, it certainly did not create a stable or just world order that all the peoples of the earth would accept.

The history of the world has fundamental historical turning points that formed different systems in the twentieth century e.g. the post-World War I system and European bipolarity. One of the results of the collapse of this system led to the establishment of the Second World War, which means the collapse of the idealist philosophy that gave birth to the League of Nations according to The Fourteen Principles of the American President Woodrow Wilson. After that came the Second World War and the emergence of American realist philosophy beginning with the Four Freedoms of Franklin Roosevelt and Hans

Morgenthau's book "Politics among Nations," the gospel of the American school in political realism. On the ruins of the second war, the American-Soviet bipolar appeared for about the past half century then the post-Cold War or post-polar era comes in today's world to create intense debate throughout the world, even within the United States itself. American realists, according to Nixon-Kissinger traditions, view international politics as falling between independent and sovereign states, balancing each other's power.

The existing international order is the result of a stable distribution of power between these countries. Liberals (idealists), according to the traditions of Woodrow Wilson and Jimmy Carter, view relations between peoples as exactly the same as those between nations. Therefore, they see the existing international order as idealistic values such as democracy and human rights, just as it is based on international law and institutions such as the United Nations. Therefore, the efforts of these two groups to confront the outside world are different under the new international order. Realists, especially Kissinger are demanding continued U.S. hegemony over the world from positions of power because America is always the strongest militarily and technologically without a reduction in the military budget. The Idealists team, on the other hand, recognizes the need to build the stability of the world according to a new international order. That is because the end of the cold war may be followed by the increased use of the policy of national rivalries, power and racial conflicts, and unless there is a supreme American ideal, the post-cold-war world becomes a world without stability [17].

2.2 The impact of the new international order and human rights and the relationship between them

2.2.1 The impact of the new international order and human rights

There are those who believe that there is no new order yet. This comes despite the urgent need for a new international system for states that guarantees cooperation and equality in sovereignty, and an international economic system as called for by a group of Non-alignment countries in 1973, before the General Assembly of the United Nations. The response of the United States of America was an absolute rejection of this project. In the speech of Mr. (Miyazawa) the former Prime Minister of Japan, he said that the international situation holds many possibilities for the establishment of a new peaceful international order, and that the exact form of this new order is not yet well clear, but all countries should work together to establish a new international order [18].

Although the former Chinese Prime Minister headed in another direction in which he seems less optimistic about the new international order, by saying before the Security Council summit: (The world finds itself at a critical turning point, the old order has disappeared without a new order), or there are some who see that the existing international system is new and old at the same time [19]. This means that the new international system did not bring anything new in terms of substance or formulas for international interaction. This is intended to mean that the new international system does not mean a shift in the principles, values and laws of the dominant major countries towards the axis of the south, so that these countries deal with third world countries, excluding exploitation and control. Rather, it means much as it is a continuation of the old system and the mentality of the occupier, and if the texts and terminology change, the content is the same, whether in the old or new international system [20].

Muhammad Hussein Heikal confirms this view by saying: "What appeared after the end of the Cold War was not a new international system, but rather something closer to new arrangements created by an old international system by which it reaffirms its role in changing circumstances" [21].

Heikal justified his argument by the following: “The systems arise and grow as a result of natural factors in the fields of industry, agriculture, trade, money, military power, constitutional and political institutions, intellectual and cultural structures, and lifestyles and methods. The head of the rest of the branches and parties”[22] .

2.2.2 The relationship between the international system and human rights

The extension of liberal ideas that recognize human and citizen rights outside the European continent did not affect their continuity in European countries, as these principles retreated in the countries from which they originated, and sometimes even from their own promoters. This was evidenced in the fact that its negatives occurred during the French Revolution, then in Europe, at the expense of the working class during the Industrial Revolution, and finally in the European colonies. Thus, the ruler of the state acquires his legitimacy when he is in accordance with the law, and this is not done unless the state takes into account human rights and basic freedoms, and makes them a restriction on them. This is because the head of the state has no legitimacy, unless it is in accordance with the law, since the proponents of the French Revolution ignored some of the principles they had set before when the 1789 revolution denied actual equality by excluding the poor from political life. In 1791, suffrage was restricted to those who paid the least amount of taxes, to the wealthy classes. Thus, privileges and rights were based on calculus rather than lineage, and the ruling bourgeoisie classes in England, the United States of America and France ignored the status of slaves. It continued the system of slavery despite being contrary to human rights until 1848 for France and 1863 for the United States, and the reactionary regimes led by England triumphed. That is where interests overcame the principles of the 1688 revolution over revolutionary movements in Europe at the beginning of the nineteenth century following their alliance against the French Revolution and its inheritor Napoleon Bonaparte in 1815 [23].

At that time, a system of church, monarchy and ancient social traditions surfaced, with the establishment of a royal alliance against popular uprisings, which was created by the bourgeois classes in Western Europe. This is where they were violated in addition to the usurpation of the political, economic and social rights of the poor citizen. This was at the time of the industrial revolution that was carried out by the workers' class. At that time, wages, working conditions, housing and life in general were very harsh for workers, who used to work in factories for more than twelve hours a day. This is in addition to employing women and children in inhumane conditions, so that the European bourgeois classes did not stop violating the rights of human beings and citizens when their interests required it.

This has continued in all the occupied countries in the nineteenth century. The major European States pursued an expansionist policy on the peoples of other continents, subjecting them to their political and economic rule, treating them mostly as defeated without giving any consideration to their right to self-determination and to human rights in general. At the political level, the occupying powers became the masters of the order of the colonies at the expense of their sovereignty and independence. At the economic level, the colonial countries opened markets for European goods without taking into account the colonies' local industry, and the extortion of their resources occurred. This took the form of dominating its lands and plundering its natural resources, and thus violating its right to development. A large part of these resources were transferred to the benefit of the European powers and their communities residing in the colonies in addition to the policy of discrimination or the policy of double standards, as mentioned earlier, on which the colonial system is based[21].

2.2.3 The impact of the new world order on human rights

The relationship of human rights with the new world order is a close one because human rights have been affected by the changes that have occurred in the world order, as obligations have been established that states must maintain. When states become parties to international associations and treaties, it was taken into account that they abide by obligations and duties within the framework of international law related to the respect, protection and application of human rights. The obligation prevents states from interfering with human rights or restricting that with conditions. As for the obligation to protect, it requires states to protect individuals and groups from exposure to human rights, and the obligation to implement includes requiring states to take positive measures to facilitate the enjoyment of basic human rights and through ratification of international human rights treaties. Also, governments pledge to put in place legislation and domestic measures in agreement with its contractual obligations and duties. Thus, the new international order provides basic legal protection for human rights guaranteed under international law. In the event that judicial proceedings are unable to combat human rights violations, mechanisms and procedures for individual grievances are available at the regional and international levels to help truly respect, implement and apply international human rights standards at the local level. (26).

3. Conclusions

The most important results obtained from this research run as follows:

1- Defining human rights according to the Charter of the United Nations, especially the Universal Declaration of Human Rights issued in 1948, which stipulates that human rights are rights inherent in human nature, without which mankind cannot live normally.

2- Defining the new international order is one of the basic concepts in the science of international relations to discover patterns of interaction in international politics.

3- The components of the system are five, these are: the units of the system comprising countries or international organizations. Also, a combative form or a combination of the two, the environment is the fourth component of the international system, being the medium within which the units of the international system move.

4- The concept of the new international system is represented in a set of interrelated rules and models that govern the work of relations between states and determine the manifestations and sources of regularity and imbalance in them over a certain period of time. As for what is meant by the word "new", it means a distinction between two phases: the existence of the bipolar Cold War regime and the post-Cold War regime following the second Gulf War and the fall of communism. What is meant by "new" here is the presence of a set of values and behaviours that did not exist before.

5- The impact of the new international system and human rights is a continuation of the old system and the mentality of the occupier. If the texts and terminology change, the content is the same, whether in the old or new international system (*ibid*).

6- The new international system provides basic legal protection for human rights guaranteed under international law. In the case of the inability of judicial procedures to combat human rights violations, it is noted that mechanisms and procedures for individual grievances are available at the regional and international levels in order to assist in the real respect, implementation and application of international human rights standards at the local level.

4. Recommendations

The protection of human rights in the form of international documents has the power of command rules, which cannot be agreed upon. The aim of these documents is to activate international legitimacy in the field of human rights since human rights are above all national and local rights and political considerations. It speaks to every human being without discrimination whether by race or origin, colour, religion, etc. Also, despite the progress made by the United Nations international organization on human rights, it has not yet reached its due level in arranging national values and national hopes. The role of the United Nations General Assembly, which monitors the security council's competences in the Council for the Maintenance of International Peace and Security under articles 10-15, should also fall under the exception of restrictions in article (12) of the Charter. This is to serve two functions: i) in order to protect human rights, as well as ii) to empower the Assembly with greater powers that do not stand at the limits of making recommendations that are not legally binding. The main objective of the international legal base is to maintain peace and international security, protect human rights in various countries of the world and prevent violence in all its forms.

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